

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

DAVID A. BROWN,

Plaintiff, : Case No. 3:08-cv-141

-vs- : District Judge Thomas M. Rose  
OFFICER MALICKI, et al., Magistrate Judge Michael R. Merz

Defendants.

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**DECISION AND ORDER ON MOTIONS FOR DISCOVERY**

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This case is before the Court on Plaintiff's Motion for Discovery and Motion for Correction of the Record (Doc. Nos. 25 and 26).

The information which Plaintiff has requested appears to be relevant to claims or defenses in this case. In civil cases, of course, discovery in the first instance is handled between the parties and does not require a court order. Accordingly, it is hereby ORDERED that Defendants treat the Motion for Discovery as if it were an interrogatory asking for identification of the officers that entered the front of the house at 15 Southern on March 30, 2006, and respond accordingly. It also appears that the 34 photographs taken at the house are relevant. Defendants' counsel shall therefore treat the Motion for Correction of the Record as if it were a request for production of documents under Fed. R. Civ. P. 34 and respond accordingly.

February 25, 2009.

s/ **Michael R. Merz**  
United States Magistrate Judge